

ORDINANCE NO. 3817

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
BURBANK AMENDING SECTIONS 10-1-203, 10-1-1118,  
TABLES 10-1-502, 10-1-602, 10-1-627 AND ADDING SECTION  
7-3-708 TO THE BURBANK MUNICIPAL CODE TO UPDATE  
THE WIRELESS TELECOMMUNICATIONS FACILITIES  
ORDINANCE.

City Attorney's Synopsis

Project No. 09-0001287, Zone Text Amendment, amends Sections 10-1-203, 10-1-1118, Tables 10-1-502, 10-1-602, and 10-1-627 and adding Section 7-3-708 to the Burbank Municipal Code to provide uniform standards for the placement, design, monitoring, and permitting of Wireless Telecommunications Facilities consistent with applicable federal and state requirements. These standards are intended to address the adverse visual impacts of these facilities through appropriate design, siting, screening techniques, and locational standards, while providing for the communication needs of residents and businesses. The amendments are not intended to, and do not, regulate those aspects of Wireless Telecommunications Facilities that are governed by the Federal Communications Commission.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The industrial appearance of Wireless Telecommunications Facilities ("WTFs") is inconsistent with the general landscape and character of the community. The visual blight created by poorly sited WTFs disrupts the residential character of the neighborhood and detracts from the natural beauty and historical integrity that is valued by the City and its residents.

B. Residents have moved to the City for its aesthetics and rely on the City to preserve its unique characteristics. Residents do not want to live in neighborhoods where WTFs have been indiscriminately erected. Residents expect the development of their community to occur in a consistent and predictable manner.

C. The harm of WTFs to the aesthetics of the City negatively impacts the views of residents and may devalue property as communities blemished by unregulated WTFs may be perceived as undesirable.

D. Poorly sited WTFs may also become a distraction to motorists by obstructing driver's sightlines and thereby create a hazard to motorists.

E. Thoughtful regulation of the aesthetic aspects of WTFs can alleviate the adverse effects that such facilities have on the community.

F. On June 27, 2011, the Planning Board held a duly noticed public hearing on Project No. 09-0001287, Zone Text Amendment ("ZTA"), amending Sections 10-1-203, 10-1-1118 and 7-3-708 of the Burbank Municipal Code ("BMC"), to revise the City's existing regulations governing the siting and development of WTFs.

G. After considering the evidence presented, the Planning Board recommended that the Council of the City of Burbank ("Council") approve the ZTA.

H. On August 30, 2011, the Council at its regular meeting, held a public hearing on this ZTA.

I. Said hearing was properly noticed in accordance with the provisions of Section 10-1-1994 of the BMC.

J. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Board as evidenced by its Resolution No. 3231, and the evidence presented at such hearing.

#### THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Section 10-1-203 of the Burbank Municipal Code is hereby amended to include the following definitions and the City Clerk is hereby instructed to insert these new definitions into Section 10-1-203 in the proper alphabetical order:

**BUILDING MOUNTED WTF:** Means a wireless telecommunications facility whose support structure is mounted to a building or rooftop.

**CO-LOCATION:** Means the location of two or more wireless telecommunications facilities on a single freestanding support structure or building. Co-location shall also include the location of wireless telecommunications facilities with other utility facilities and structures including, but not limited to, water tanks, transmission towers, and light poles.

**FREESTANDING WTF:** Means a wireless telecommunications facility with its support structure placed directly on the ground. Monopoles and self-supported or of lattice construction are examples of this type of structure. Building mounted antennas are excluded from this definition.

**MONOPOLE:** Means a single unsupported pole, post, or similar structure that is used to support equipment associated with a commercial wireless telecommunications facility. This includes towers, flagpoles and mono-trees.

**WIRELESS TELECOMMUNICATIONS FACILITY (WTF):** Means a commercial facility that transmits and/or receives electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles, distributed antenna systems, support or accessory structures and related equipment. Amateur radio operators are not included in this definition. Includes related equipment, which is all equipment ancillary to the transmission and reception of a wireless telecommunications facility. Such equipment may include, but is not limited to, cable, conduit and connectors, electrical meters, and enclosed electrical equipment.

2. Section 10-1-1118 of the Burbank Municipal Code is hereby amended in its entirety to read as follows:

**10-1-1118: WIRELESS TELECOMMUNICATIONS FACILITIES: REGULATIONS AND DEVELOPMENT STANDARDS:**

**A. PURPOSE**

The purpose of this Section is to provide uniform standards for the placement, design, monitoring, and permitting of Wireless Telecommunications Facilities (WTFs) consistent with applicable federal and state requirements. These standards are intended to address the adverse visual impacts of these facilities through appropriate design, siting, screening techniques, and locational standards, while providing for the communication needs of residents and businesses. This Section is not intended to, and does not; regulate those aspects of WTFs that are governed by the Federal Communications Commission (FCC).

**B. APPLICABILITY AND EXEMPTIONS**

The requirements of this Section apply to all WTFs as defined in Section 10-1-203, except as exempted. The following are exempt from the provisions of this Section:

1. Radio or Television Antenna: Any ground- or building-mounted antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the antenna is located that does not exceed a height of 15 feet above the maximum allowable building height for the zone in which the antenna is located.
2. Satellite Dish Antenna: Ground- or building-mounted dish antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the dish is located that does not exceed one meter in diameter.
3. Private Antenna: Any antenna operated by a business for the purpose of sending or receiving radio, television, data, or other wireless signals directly between two business locations or to satellites for re-transmission. Such facilities are regulated by the applicable commercial and industrial development standards

including but not limited to Section 10-1-1113.1 and 10-1-1301.

4. **Amateur Radio Antenna:** Any antenna, including its support structure, used by an authorized amateur radio operator licensed by the FCC that does not exceed a height of 15 feet above the maximum allowable building height of the zone in which it is located. For the purpose of this section, amateur radio means the licensed non-commercial, non-professional, private use of designated radio bands for purposes of private recreation including the non-commercial exchange of messages and emergency communication. This includes HAM radio and citizens band antenna.
5. **Government Antenna:** Any antenna, dish, or similar equipment owned and/or operated by any government entity.

#### C. PERMITTING PROCESS.

1. An application is required for all WTFs. Applications for WTFs requiring a land use permit must be accompanied by the applicable permit application. The Director is required to maintain a list of required application forms and materials and a written procedure for processing WTF applications, which may be amended from time to time. The application must be accompanied by a fee if specified in the Fee Resolution. A WTF application must include documentation of compliance with FCC regulations pertaining to radio frequency emissions, including cumulative emissions from any existing WTFs on the site and the proposed WTF, in a manner deemed appropriate by the Director.
2. Table 10-1-1118(C) provides the locations where WTFs are allowed and the land use permit, if any, required for the WTF. WTFs in the public right-of-way are subject to the requirements in Section 7-3-708.

Table 10-1-1118 (C)

Symbol	Meaning
<b>P</b>	Permitted
<b>AUP</b>	Administrative Use Permit required
<b>[AUP]</b>	Administrative Use Permit required if residentially adjacent
<b>CUP</b>	Conditional Use Permit required
<b>--</b>	Prohibited

WTF Type	Institutional Use <sup>1</sup> in Single Family Residential Zone	Multifamily Residential Zone	Non-Residential Zone (except OS)	OS Open Space Zone
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<b>Building Mounted Co-Location</b>	AUP	AUP	P	P [AUP]
<b>Building Mounted</b>	CUP	CUP	P [AUP]	AUP
<b>Freestanding Co-Location</b>	--	--	P [AUP]	AUP
<b>Freestanding</b>	--	--	CUP	CUP
<b>All other WTFs not listed above or not exempted by 10-1-1118(B)</b>	CUP	CUP	CUP	CUP

#### Footnotes

1. For the purposes of this Section, institutional use means a public or private school, religious institution, hospital, library, museum, government building, public utility, or other similar public or semi-public facility.
2. A CUP is also required to exceed WTF height limitations per Subsection D.

## D. DEVELOPMENT AND DESIGN STANDARDS

### 1. New Facilities.

All new WTFs must comply with the following development and design standards except when impractical or technologically infeasible. The burden shall be on the applicant to provide evidence as part of the application showing why and how complying with the standard would be impractical or technologically infeasible. In such event, the Director may hire an independent, qualified consultant to evaluate any technical aspect of the proposed WTF and any proposed exceptions from these development standards at the applicant's sole cost. The applicant shall submit a deposit to pay for such independent third party review as set forth in the City's Fee Resolution.

### 2. Existing Facilities.

All WTFs approved with a Conditional Use Permit or building permit as of the date of adoption of the ordinance codified in this Section are not required to comply with the development and design standards unless the WTF or any portion thereof is replaced or modified. Any replacement or modification shall be done consistent with these standards to the extent practical and technologically feasible, based on the scope of the replacement or modification. The burden shall be on the applicant to provide evidence as part of the application showing why and how complying with the standard would be impractical or technologically infeasible. In such event, the Director may hire an independent, qualified consultant to evaluate any technical aspect of the proposed

replacement or modification and any proposed exceptions from these development standards at the applicant's sole cost. The applicant shall submit a deposit to pay for such independent third party review as set forth in the City's Fee Resolution. This provision is not intended for the addition of generators for emergency power.

### 3. Requirements for All WTFs

- a. Where practical, WTFs shall be integrated into existing or newly developed facilities that are functional for other purposes.
- b. WTFs shall incorporate stealth design so as to minimize aesthetic impacts on surrounding land uses. Stealth design means that the WTF is designed to closely blend into the surrounding environment and to be minimally visible. Antennas and related equipment are either not readily visible beyond the property on which it is located, or, if visible, appear to be part of the existing landscape or environment rather than the wireless communications facility. The WTF may appear as a natural feature, such as a tree or rock or other natural feature, or may be incorporated into an architectural feature such as a steeple, parapet wall, or light standard, or be screened by an equipment screen, landscaping, or other equally suitable method. Related equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.
- c. Related equipment for co-located WTFs shall be co-located within an existing equipment enclosure, or if not possible then located as close to the existing equipment enclosure as possible.
- d. Monopoles, antennas, and support structures for antennas shall be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for the proper functioning and physical support of the WTF and future co-location of additional WTFs.
- e. Cable Trays and Runs
  1. All cable trays and cable runs for building-mounted WTFs shall be located within existing building walls.
  2. Any façade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the façade surface as possible, with no discernible gap between.
  3. Cable trays and runs on a roof deck shall be mounted below or otherwise screened by the parapet wall or screening device.
  4. Cable trays and runs for freestanding WTFs shall be located inside the pole and underground.
- f. Stealth WTF's designed to resemble natural features such as trees or rocks shall be integrated into the surrounding environment through the planting of trees and/or shrubs distributed around the entire facility to appear as a naturally

occurring or integrated landscape element.

- g. Whenever landscaping is used in conjunction with a WTF for stealth design, to screen related equipment, or for another purpose, the following requirements apply:
  - 1. Any new or replanted landscaping shall be of a type and variety that is compatible with existing landscaping.
  - 2. Any tree removed shall be replaced with one or more trees of similar quality and size.
  - 3. When used for screening, the landscaping shall be of a type, variety, and maturity to adequately screen the related equipment.
  - 4. Newly installed trees shall be a minimum size of 36 inch box.
  - 5. Palm trees shall have a minimum brown trunk height of 16 feet.
  - 6. Newly planted shrubs shall have a minimum size of five gallons.
  - 7. Live landscaping shall be provided with adequate and permanent irrigation to support continued growth.
- h. Fences and walls
  - 1. Chain link fencing material is only permitted in association with a WTF in an industrial zone where the fence is not visible from the public right-of-way or adjacent non-industrial zone.
  - 2. Block walls must be covered with stucco or plaster except in industrial zones.
- i. Signs
  - 1. All WTFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
  - 2. No signs, flags, banners, or any form of advertising shall be attached to a WTF except for government-required certifications, warnings, or other required seals or signs.
- j. No WTF or any portion thereof may be located within a required setback area.
- k. WTFs operating in excess of the maximum sound levels permitted by the City's noise ordinance shall be enclosed to achieve compliance with the noise ordinance. Backup generators or similar equipment that operates only during power outages or other emergencies are exempt from this requirement. Testing of such backup generators or similar equipment may only occur during standard daytime hours.
- l. No WTF may, by itself or in conjunction with other WTFs, generate radio frequency emissions and/or electromagnetic radiation in excess of FCC standards and any other applicable regulations. All WTFs must comply with all standards and regulations of the FCC, and any other agency of the State or Federal government agency with the authority to regulate wireless

telecommunications facilities.

- m. Within 30 days after discontinuation of use, the WTF operator shall notify the Director in writing that use of the WTF has been discontinued.
- n. A WTF must be completely removed, and the site returned to its pre-WTF condition within 180 days of discontinuation of use.

#### 4. Additional Requirements for Building-Mounted WTFs

- a. Building-mounted WTFs, including any screening devices, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, of the building on which it is mounted unless approved through a Conditional Use Permit.
- b. Building-mounted WTFs shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
- c. Building-mounted WTFs shall be located on the facade of the building, parapet, or rooftop penthouse whenever practical.
- d. Facade-mounted WTFs shall not extend more than 24 inches out from the building face. If a building mounted WTF is mounted flush against a building wall, the color and material of the antenna and other equipment shall match the exterior of the building. If there is a discernable gap between the antenna and the façade, the antenna shall be screened so as to hide the gap.
- e. Roof-mounted WTFs shall be fully screened from public view using screening devices that are compatible with the existing architecture, color, texture, and/or materials of the building. Roof-mounted WTFs shall also be screened from above, if visible from adjacent properties.
- f. Roof-mounted WTFs shall be located as far from the edge of the building as feasible.

#### 5. Additional Requirements for Freestanding WTFs (Except for Amateur Radio Antennas)

- a. An applicant for a freestanding WTF shall demonstrate as part of the application that a proposed WTF cannot be placed on an existing building or co-located.
- b. Freestanding WTFs, including any camouflage or screening devices, may not exceed a height of 35 feet above the ground surface unless approved through a Conditional Use Permit.
- c. Freestanding WTFs shall be compatible with the architecture, color, texture,

and/or materials of nearby buildings and the surrounding area and landscaping.

- d. Freestanding WTFs shall be located in areas where existing topography, vegetation, buildings or other structures provide the greatest amount of screening so as to minimize aesthetic impacts on surrounding land uses.
- e. Freestanding WTF's shall be designed to allow for co-location of additional antennas, for example by having a foundation and pole capable of accommodating a height extension. The operator and owner of the freestanding WTF shall lease space on the tower, at a fair market rent, to other WTF providers to the maximum extent consistent with the operational requirements of the WTF.
- f. Any mono-tree shall incorporate enough architectural branches (including density and vertical height), three dimensional bark cladding, and other design materials or appropriate techniques to cause the structure to appear a natural element of the environment.
- g. Freestanding WTFs may not utilize guy wires or other diagonal or horizontal support structures.
- h. Exterior lighting of freestanding WTF's is prohibited unless required by the FAA or other government agency.
- i. Freestanding WTF's that simulate the appearance of a flag pole shall be tapered to maintain the appearance of an actual flag pole. A flag shall be flown from the WTF and properly maintained at all times.

#### E. RADIO FREQUENCY EMISSIONS COMPLIANCE.

- 1. Within thirty (30) calendar days following the activation of any WTF, the applicant shall provide FCC documentation to the Director indicating that the unit has been inspected and tested in compliance with FCC standards. Such documentation shall include:
  - a. The make and model (or other identifying information) of the unit tested.
  - b. The date and time of the inspection, the methodology used to make the determination,
  - c. The name and title of the person(s) conducting the tests, and a certification that the unit is properly installed and working within applicable FCC standards.
  - d. As to DAS installations, the required FCC documentation certification shall be made only by the wireless carrier(s) using the DAS system rather than the DAS system provider.
  - e. Documentation shall also indicate that cumulative levels of radio frequency emissions from the WTF and all co-located WTFs are in compliance with FCC standards, including but not limited to FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended.

2. If the documentation demonstrates that the cumulative levels of radio frequency emissions exceed or may exceed FCC standards, the Director may require the applicant to modify the location or design of the WTF and/or implement other mitigation measures to ensure compliance with FCC standards. The Director may require additional independent technical evaluation of the WTF, at the applicant's sole cost, to ensure compliance with FCC standards.

## F. FEDERAL PREEMPTION

Notwithstanding any other provision of this Code to the contrary, if any provision(s) of this Section would give rise to a claim by an applicant that a proposed action by the City would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 USC 332(c)(7), or would prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service within the meaning of 47 USC 253, evidence of such effect may be grounds for a variance from the requirements of this section or an appeal of any decision denying an application for a WTF.

3. Section 7-3-708 of the Burbank Municipal Code is hereby added to read as follows:

7-3-708: ENCROACHMENT PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES (WTFs) IN THE PUBLIC RIGHT-OF-WAY (PROW):

- A. An encroachment permit shall be required prior to the installation, construction or development of any WTF in the PROW.
- B. Development standards for PROW. In addition to all other applicable development standards as set forth in 10-1-1118, WTFs in the PROW shall comply with the following standards:
  1. The Public Works Director or his/her designee shall determine the time, place, and manner of construction for all WTFs located within the PROW consistent with Public Utilities Code.
  2. WTF's shall have subdued colors and non-reflective materials which blend in with the surrounding area to the satisfaction of the Public Works Director or his/her designee.
  3. In residential areas, WTFs shall not be located within one standard block width of another wireless telecommunications facility; this does not include co-location of sites.
  4. All WTFs shall be built in compliance with the Americans with Disabilities Act (ADA), including but not limited to surface access in and around facilities.

5. Utility and Light Poles.

- a. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of the existing utility pole and no portion of the antenna or equipment mounted on a pole shall be less than 16 feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95.
- b. The maximum height of any antenna or antenna radome shall not exceed six feet above the existing height of the light pole.
- c. Pole-mounted equipment shall not exceed six cubic feet.
- d. Antennas must be installed on existing utility or light poles. No new poles may be installed except as replacement for existing poles.

6. Equipment Location.

- a. Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise inconvenience public use of the right-of-way, or create safety hazards to pedestrians and/or motorists as determined by the Public Works Director or his/her designee.
- b. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
- c. Ground-mounted equipment shall not exceed a height of six feet and a total footprint of 20 square feet, excluding the required electric meter.
- d. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative features, to the satisfaction of the Public Works Director or his/her designee.
- e. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Public Works Director or his/her designee.
- f. All graffiti on WTF must be removed at the sole expense of the applicant within 48 hours of notification.
- g. Underground vaults will be reviewed and approved by the Public Works Director or his/her designee.

C. City Changes to the PROW

The permittee shall modify, remove, or relocate its WTF, or portion thereof, without cost or expense to the City, if and when made necessary by any abandonment, change of grade, alignment or width of any street, sidewalk or other public facility, including the construction, maintenance, or operation of any other City underground or aboveground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by City or any other public agency. Said modification, removal, or relocation of a wireless telecommunications facility shall be completed within a reasonable relocation time frame as determined by the Public Works Director. In the event a wireless telecommunications facility is not modified, removed, or relocated within said period of time, City may cause the same to be done at the sole expense of applicant. Further, in the event of an emergency, the City may modify,

remove, or relocate wireless telecommunications facilities without prior notice to applicant provided applicant is notified within a reasonable period thereafter.

4. Table 10-1-502 is hereby amended as set forth in Exhibit A, attached hereto.

5. Table 10-1-602 is hereby amended as set forth in Exhibit B, attached hereto.

6. Table 10-1-627 is hereby amended as set forth in Exhibit C, attached hereto.

7. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

8. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation within fourteen (14) days of adoption, published and circulated in the City of Burbank, California.

9. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption.

10. This Ordinance shall be applicable to any WTF that does not have a valid building permit or CUP as of the effective date of the Ordinance.

PASSED AND ADOPTED this 13th day of September, 2011.

s/Jess A. Talamantes

Jess A. Talamantes

Mayor of the City of Burbank

Attest:

s/Margarita Campos

Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content  
Dennis A Barlow, City Attorney

By: s/Joseph H. McDougall  
Joseph H. McDougall, Sr. Asst. City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF BURBANK                )

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3817 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 13th day of September, 2011, by the following vote:

AYES:           Council Members Bric, Golonski and Talamantes.

NOES:           Council Members Gabel-Luddy and Gordon.

ABSENT:        Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 21st day of September, 2011.

s/Margarita Campos  
Margarita Campos, CMC, City Clerk

EXHIBIT "A"

ZONING USE LIST

[attached]

## EXHIBIT "B"

### USES IN R-1 AND R-1-H ZONES

**Table 10-1-602  
Permitted Uses in the R-1 and R-1-H Zones**

<b>Symbol</b>	<b>Meaning</b>
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)
---	Use is prohibited

<b>Land Use</b>	<b>R-1</b>	<b>R-1-H</b>	<b>Specific Use Standards</b>
<b>Residential and Accessory Uses</b>			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP <sup>(1)</sup>	CUP <sup>(1)</sup>	
Garages, private	P <sup>(2)</sup>	P <sup>(2)</sup>	
Accessory structures, including minor structures for which no building permit is required <sup>(3)</sup>	P <sup>(4)</sup>	P <sup>(4)</sup>	10-1-604
Accessory uses typical for a single family home including tennis courts and swimming pools	P	P	
Second dwelling unit	P	---	Article 6, Division 3.5
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility of six or fewer occupants	P	P	
<b>Non-Residential Uses</b>			
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	
Church or church school	CUP	CUP	
Educational institution, public or private	CUP <sup>(5)</sup>	CUP <sup>(5)</sup>	
Municipal fire station	CUP	CUP	
Municipal library	CUP	CUP	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with	CUP	CUP	

<b>Land Use</b>	<b>R-1</b>	<b>R-1-H</b>	<b>Specific Use Standards</b>
a park or recreation use			
Parking lot, off-street	CUP	CUP	Article 14, Division 4
Public utility facility	CUP	CUP	
Wireless Telecommunications Facility	(6)	(6)	10-1-1118
<b>Equestrian and Special Uses</b>			
Animal hospital; no boarding	---	CUP <sup>(7)</sup>	
Blacksmith; horse shoeing only	---	CUP <sup>(7)</sup>	
Petting zoo	---	CUP <sup>(7)</sup>	
Plant nursery	---	CUP <sup>(7)</sup>	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP <sup>(7)</sup>	Article 24, Division 9

Notes/Additional Requirements:

(1) Additional single family dwellings legally constructed prior to June 4, 1963 are permitted uses that do not require a CUP.

(2) An accessory structure permit is required for a private garage or garages with a combined gross floor area greater than 1,000 square feet.

(3) Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.

(4) An accessory structure permit is required for an enclosed accessory structure or structures with a combined gross floor area greater than 300 square feet. The maximum permitted combined gross floor area of an enclosed accessory structure or structures is 1,000 square feet.

(5) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.

(6) Permitted in accordance with Section 10-1-1118

(7) Permitted only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land.

## EXHIBIT "C"

### USES IN THE MULTIPLE FAMILY RESIDENTIAL ZONES

Table 10-1-627  
Permitted Uses in the Multiple Family Residential Zones

Symbol	Meaning
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)
--	Use is prohibited

Land Use	R-2	R-3	R-4/R-5	Specific Use Standards
<b>Residential and Accessory Uses</b>				
Single family dwelling	P	P	P	
Multiple family dwelling	P	P	P	
Garages and carports, private	P	P	P	
Accessory structures, including minor structures for which no building permit is required	P	P	P	
Accessory uses typical for a residential project including tennis courts and swimming pools	P	P	P	
Driveway in buffer area	CUP	CUP	CUP	10-1-628(F)
Home occupation	P	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	CUP	Article 6, Division 8
Small family day care home	P	P	P	
Large family day care home	AUP	AUP	AUP	Article 6, Division 13
Community care facility of six or fewer occupants	P	P	P	
Residential care home-retirement home	---	---	CUP	
<b>Non-Residential Uses</b>				
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	CUP	
Church or church school	CUP	CUP	CUP	
Convenience grocery store	CUP <sup>(1)</sup>	CUP <sup>(1)</sup>	CUP <sup>(1)</sup>	
Educational institution, public or private	CUP <sup>(2)</sup>	CUP <sup>(2)</sup>	CUP <sup>(2)</sup>	

Municipal fire station	CUP	CUP	CUP	
Municipal library	CUP	CUP	CUP	
Office, business or professional	---	CUP <sup>(3)</sup>	---	
Office, medical	---	CUP <sub>(4)</sub>	CUP <sub>(4)</sub>	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	CUP	
Parking lot, off-street	CUP	CUP	CUP	Article 14, Division 4
Wireless Telecommunications Facility	(5)	(5)	(5)	10-1-1118
Public utility facility	CUP	CUP	CUP	
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	CUP <sub>(5)</sub>	CUP <sub>(5)</sub>	

Notes/Additional Requirements:

- (1) Permitted only on properties with a land area of 8,000 square feet or less.
- (2) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.
- (3) Prohibited in R-2, R-3, R-4, R-5, MDR-4, and MDR-5 zones; CUP in MDR-3 zone when the parcel is adjacent to a Major or Secondary Arterial street, and the office use is conducted in an existing residential structure.
- (4) Permitted only in conjunction with one or more residential units on the same lot where the medical practitioner resides on the premises.
- (5) Permitted in accordance with Section 10-1-1118
- (6) Stables and corrals are permitted only in the Rancho Area as defined in Section 10-1-630(A).